

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for Senate
2 Bill No. 1, Page 4-5, Section 287.067, Lines 1-45, by deleting all of said section and lines from the bill and
3 insert in lieu thereof the following:
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5 "287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a
6 different meaning is clearly indicated by the context, an identifiable disease arising with or without human
7 fault out of and in the course of the employment. Ordinary diseases of life to which the general public is
8 exposed outside of the employment shall not be compensable, except where the diseases follow as an incident
9 of an occupational disease as defined in this section. The disease need not to have been foreseen or expected
10 but after its contraction it must appear to have had its origin in a risk connected with the employment and to
11 have flowed from that source as a rational consequence.

12 2. An injury by occupational disease is compensable only if the occupational exposure was the
13 prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is
14 defined to be the primary factor, in relation to any other factor, causing both the resulting medical condition
15 and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by aging or by
16 the normal activities of day-to-day living shall not be compensable.

17 3. An injury due to repetitive motion is recognized as an occupational disease for purposes of this
18 chapter. An occupational disease due to repetitive motion is compensable only if the occupational exposure
19 was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing
20 factor" is defined to be the primary factor, in relation to any other factor, causing both the resulting medical
21 condition and disability. Ordinary, gradual deterioration, or progressive degeneration of the body caused by
22 aging or by the normal activities of day-to-day living shall not be compensable.

23 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for purposes of
24 this chapter and is hereby defined to be a loss of hearing in one or both ears due to prolonged exposure to
25 harmful noise in employment. "Harmful noise" means sound capable of producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this chapter and is
27 hereby defined to be that disability due to radioactive properties or substances or to Roentgen rays (X-rays) or
28 exposure to ionizing radiation caused by any process involving the use of or direct contact with radium or
29 radioactive properties or substances or the use of or direct exposure to Roentgen rays (X-rays) or ionizing
30 radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or
32 cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of
33 this chapter and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen,
34 of paid firefighters of a paid fire department or paid police officers of a paid police department certified under
35 chapter 590 if a direct causal relationship is established, or psychological stress of firefighters of a paid fire
36 department or paid peace officers of a police department who are certified under chapter 590 if a direct causal
37 relationship is established.

38 7. Any employee who is exposed to and contracts any contagious or communicable disease arising
39 out of and in the course of his or her employment shall be eligible for benefits under this chapter as an
40 occupational disease.

41 8. With regard to occupational disease due to repetitive motion, if the exposure to the repetitive
42 motion which is found to be the cause of the injury is for a period of less than three months and the evidence

Action Taken _____ Date _____

1 demonstrates that the exposure to the repetitive motion with the immediate prior employer was the prevailing
2 factor in causing the injury, the prior employer shall be liable for such occupational disease."; and
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4 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
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